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Office Memorandum • UNITED STATES GOVERNMENT

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TO : General Counsel

DATE: 7 December 1951

FROM : Assistant Director for Communications

SUBJECT: Communications Act of 1934

OGC Has Reviewed

1. This will confirm my telephone conversation with you on 3 December 1951 in which I requested that you give me your opinion regarding an interpretation of the Communications Act of 1934.

by State

2. It has been held since the enactment of the subject legislation that under its terms the State Department or any other Agency of the Government could not enter into diplomatic agreements by which the United States obtained the right to operate a radio station in its Embassy within a country in exchange for the extension of similar privileges to that country to operate a radio transmitter in its Embassy in Washington. The Communications Act of 1934 has been cited as the basis for the refusal to grant such requests.

3. As the United States continues to increase its influence in world affairs, it is becoming more and more evident that a change in the foregoing policy must be made. The Central Intelligence

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5. However, it is not the possible closure of existing stations which indicates a need for the modification of the Communications Act to provide for reciprocal agreements. It is rather the fact that at the present time there are a number of countries where the need for operation of diplomatic radio stations is very great but is prevented because when approached the governments have said that such rights would be granted only on a reciprocal basis. In some cases it is purely a

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matter of national pride on the part of the countries, for while refusing to grant such rights to the United States unless granted similar rights in Washington, the officials have inferred that they would not actually open up a radio station here.

6. It has long been my personal opinion that diplomatic radio stations and the agreements relative to their operation were not within the purview of the Communications Act of 1934, but were rather a modern extension of the already recognized diplomatic pouch and diplomatic courier. On this basis it would appear to me that Section 305 of the subject act could be interpreted to exempt Government stations generally from the provisions of Section 301 - principally on the basis that Government stations are not "licensed" stations.

7. It seems to me that a change of interpretation would be easier to obtain than a change by Congress of the law. It is my desire to ascertain whether a change of interpretation is possible which would open the way for reciprocal agreements with other nations providing for the operation of radio stations in diplomatic posts, or whether it remains necessary for the law itself to be modified in order to specifically set forth exceptions which would cover diplomatic communications facilities.

8. Your opinion and advice in the premises will be appreciated.

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Deputy

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